

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 80-8, AS AMENDED BY ORDINANCE NO. 81-27, TO INCORPORATE THE CHANGES FROM THE SECOND ANNUAL REVIEW OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN, PROVIDING FOR: AMENDMENTS TO COMPREHENSIVE PLAN; CORRECTION OF A TYPOGRAPHICAL ERROR IN ORDINANCE NO. 81-27; REPEAL OF CONFLICTING ORDINANCE; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1973, as amended, Section 163.3161, et seq., Florida Statutes, requires each local government in the State of Florida to adopt a Comprehensive Plan to guide and control future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to said act, adopted Ordinance No. 80-8 establishing the Palm Beach County Comprehensive Plan; and

WHEREAS, the Comprehensive Plan provides for an annual review to determine the necessity of any changes proposed by the County or members of the public; and

WHEREAS, on July 28, 1982, the Board of County Commissioners sat as the Palm Beach County Local Planning Agency to review all proposed changes and made recommendations thereon; and

WHEREAS, on July 28, 1982, the Board of County Commissioners adopted amendments to the Future Land Use Element involving less than five (5%) percent of the total land area of unincorporated Palm Beach County pursuant to Section 163.3184(7) (b), Florida Statutes; and

WHEREAS, on October 19, 1982, and November 2, 1982, the Board of County Commissioners held two public hearings on the proposed amendments to the Future Land Use Element involving five (5%) percent or more of the total land area of unincorporated Palm Beach County pursuant to Section 163.3184(7) (c), Florida Statutes; and

WHEREAS, the Board of County Commissioners has considered amendments to the remaining elements of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION I. AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN INVOLVING LESS THAN FIVE (5%) PERCENT OF THE TOTAL LAND AREA OF UNINCORPORATED PALM BEACH COUNTY.

1.

The Palm Beach County Comprehensive Plan Future Land Use Element which was attached as an exhibit to the Palm Beach County Ordinance No. 80-8, as amended by Ordinance No. 81-27, is hereby amended as follows:

A. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference area section is hereby amended to add the following Special Commercial Potential designations:

1) Area No. 1

14. The intersection of Jupiter Gardens Drive and Reagan Way, provided that uses are limited to the Permitted Uses of the CI District of the Zoning Code.

2) Area No. 8

7. East side of Military Trail approximately 1/8 of a mile north of Salzedo Road, legally described as follows:

Parcel One:

Beginning at the Northeast corner of the South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of said Section 25, being hereinafter referred to as "said Tract A," thence Westerly along the North line of said Tract A a distance of 198.59 feet; thence Southerly parallel to the West line of said Tract A, being the center line of Military Trail a distance of 168.58 feet to a point in the South line of said Tract A; thence Easterly along the South line of said Tract A a distance of 198.43 feet, more or less, to the Southeast corner of said Tract A; thence northerly along the East line of said Tract A a distance of 168.65 feet to the point of beginning.
TOGETHER with an easement for road purposes and for ingress and egress over the South 15 feet of that part of said Tract A extending from the West line of the parcel herein described, Westerly to the right-of-way line of Military Trail, to be maintained by the purchasers, their heirs and assigns.

Parcel Two:

Commencing at the Northeast corner of the South Half (S 1/2) of the South Half (S 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of said Section 25, being hereinafter referred to as "said Tract A," thence Westerly along the North line of said Tract A a distance of 198.59 feet to the point of beginning; thence continue Westerly along the North line a distance of 75 feet; thence Southerly parallel to the West line of said Tract A, being the center line of Military Trail a distance of 168.55 feet to a point on the South line of Tract A; thence, Easterly along said South line a distance of 75 feet; thence Northerly parallel to the West line of said Tract A, a distance of 168.58 feet, more or less, to the point of beginning.
TOGETHER with an easement for road purposes and for ingress and egress over the South 15 feet of that part of said Tract A extending from the West line of the parcel herein described, Westerly to the right-of-way line of Military Trail.

3) Area No. 15

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14. Southeast corner of 10th Avenue North and Greene Avenue.

1) Area No. 16

18. West side of Congress Avenue from Prince Drive to the south side of 47th Place South (Galaleuca Lane), limited to those uses which are considered related to the medical complex.

19. On Hypoluxo Road between I-95 and High Ridge Road, with frontage and access on Hypoluxo Road only.

5) Area 17

10. Lots 1 through 24 of the Knobha Park subdivision lying east of Charleston Street and north of Celandain Street.

B. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Industrial Potential designations:

1) Area No. 8

3. Properties fronting on Scott Avenue and Indian Road between Okeechobee Boulevard and Gardenia Street. The Industrial Potential designation is limited to Light Industrial uses and does not include properties fronting on Okeechobee Boulevard.

2) Area No. 15

5. Those areas bound by Southern Boulevard on the North, Congress Avenue on the West and proposed Australian Avenue on the South and East, which are generally found to be within the Ldn 50+ noise contour, provided however, that such uses shall be limited to those recognized as compatible with aircraft noise as delineated by Federal guidelines in the Federal Register, Vol. 46, No. 16, January 26, 1962 as amended.

3) Area No. 18

1. Along Dalray West Road west of its intersection with Smith Sundy Road, service industrial uses, principally but not exclusively associated with agricultural uses may be found appropriate.

C. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Special Policies which change the Residential Land Use Plan Categories:

3.

1) Area No. 2

4. The Land Use Plan Category is changed from the Very Low (VL) Residential to the Very Low to Low (VL-L) Residential for the south 1/2 of Section 28 and all of Section 33, Township 43 South, Range 42 East. The Maximum densities allowed shall be no greater than 1 unit per 1 1/2 acres and all wetlands shall be protected and incorporated into any master plans for these areas.

2) Area No. 12

2. The Land Use Plan Category is changed from Agricultural Preservation (AP) to Low to Medium (L-M) Residential for the area in Sections 12 and 13, Township 43 South, Range 36 East, more particularly described as follows:

State Lots 1 and 2, of the Subdivision of Section 12, Township 43 South, Range 36 East, Palm Beach County, Florida, LESS AND NOT INCLUDING State Road 715 right-of-way parcel described in O. R. 2925, page 1875, AND State Lot 2 of Subdivision of Section 11, Township 43 South, Range 36 East, Palm Beach County, Florida; AND two parcels of Sovereignty Land, lying in the unsurveyed part of Section 13, Township 43 South, Range 36 East, Palm Beach County, Florida; described in O. R. 1286, page 600, as follows: commence at the Northeast corner of Lot 2, Section 13, Township 43 South, Range 36 East, according to the plat "Lands Offered for Sale in the Everglades, by the Trustees of the I. I. Fund, Tallahassee, Florida, December 1st, 1916"; thence North 0° 07' East, 51.0 feet; thence North 89° 53' West, 207.0 feet; thence South, 55° 13' West, 1127.32 feet, along the R/W of the E. D. D. Levee as established by Wallis Engineering Company; thence South 89° 53' East, 513.6 feet; thence North 45° 18' East, 842.73 feet to the point of beginning, containing 5.93 acres, more or less, and lying and being in Section 13, Township 43 South, Range 36 East, Palm Beach County, Florida, AND

A parcel of Sovereignty land in Palm Beach County, Florida described as follows: commence at the Northeast corner of Lot 2, Section 13, Township 43 South, Range 36 East, according to the plat: "Lands Offered for Sale in the Everglades by the Trustees of the Internal Improvement Fund, Tallahassee, Florida, December 1, 1916." Thence North 0° 07' East, 51.0 feet; thence North 89° 53' West, 207.0 feet to the point of beginning; thence continue North 89° 53' West, 734.51 feet; thence South 37° 11' 30" West, 806.68 feet along the U. S. Right-of-way line; thence North 89° 51' 30" East, 296.05 feet; thence North 55° 13' East, 1125.13 feet to the point of beginning. Containing 7.63 acres, more or less, and lying and being in Section 13, Township 43 South, Range 36 East, Palm Beach County, Florida.

3) Area No. 14

3. The Land Use Plan Category is changed from Very Low to Low (VL-L) Residential to Very Low (VL) Residential for the area bounded by Southern Boulevard on the north, Jog Road on the east, Dillman Road (Summit Boulevard extended) on the south and the Florida Turnpike on the west.

4) Area No. 18

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2. Because of the altered nature of the land immediately north of the Reserve Area Line, west of State Road 7 known as Southern Manor Golf Course, the following special policy shall apply to the land within the East 1/2 of the Southeast 1/4 of Section 35, Township 46 South, Range 41 East, Palm Beach County, Florida, together with all of Tracts 49 through 92, inclusive, Block 69, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45 to 54, inclusive, of the Public Records of Palm Beach County, Florida; less the right-of-way for State Road 7, pursuant to State Road Department Right-of-way Map Project 5268; Sheet 2 or 8, revised 17 June 1941. Said property containing 399.12 acres, plus or minus.

The above described land may be developed at a density of 1 unit per acre as an agricultural P.U.D. under the provisions of the Zoning Code and Comprehensive Plan, provided, however, that the 20% buildable area, referred to in Part 3D of the Reserve Area Development Options, is waived, as long as the existing golf course is maintained as part of the Development and that in this specific instance the golf course may be considered as acceptable upon space for the project.

5) Area No. 23

3. The Land Use Plan Category is changed from Reserve to Very Low to Low (VI-L) Residential for all of Section 22 and that part of Section 27 north of the Millboro Canal in Township 47 South, Range 41 East. The above described land may be developed at a density of not more than one and one-half dwelling units per acre (1.5 du/ac).

SECTION II. AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN INVOLVING FIVE (5%) PERCENT OR MORE OF THE TOTAL LAND AREA OF UNINCORPORATED PALM BEACH COUNTY.

The Palm Beach County Comprehensive Plan Future Land Use Element which was attached as an exhibit to Palm Beach County Ordinance No. 80-8, as amended by Ordinance No. 81-27, is hereby amended as follows:

A. Page 4, Land Use Map Categories, Reserve Areas; Paragraph 3. E. is amended to read:

3. E. The remaining eighty percent shall be maintained in agriculture, recreation or other open space use. For the purposes of

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this option, recreation or other open space use, shall be defined as rural in nature. No recreation use that is intensive in land occupancy or that would interfere with the continued practice of agriculture on the subject property or adjacent properties is acceptable. Types of recreation or open space use that may be found acceptable include, but are not limited to, passive or nature study opportunities, hunt clubs, gun clubs, wildlife or fishing camps and other similar uses."

B. Page 10, Area No. 15, Special Policies is amended to read:

None. That triangular area bounded by Southern Boulevard on the North, Congress Avenue on the West and the proposed Australian Avenue on the South and East, which is within the Ldn 80 noise contour, as identified in the 1979 BBN Interim Report to the Board of County Commissioners, shall be considered by the Board and the Palm Beach County Department of Airports for acquisition as a noise and safety easement on the approach end of Runway 31.

C. Page 12, Area No. 23, Special Policies is amended to read:

1. Projects near Conservation Area 1 shall meet the requirements of Performance Standard 4.

2. This area is a portion of the land designated as "Reserve Area" in the Land Use Plan. However, because of the nature of its physical characteristics which differ from the Reserve in Area 18, it is hereby specifically designated as suitable for certain Public and other land uses, including private landing strips and heliports, sanitary landfills, shellrock mining, communications towers, and treated sludge disposal.

D. Page 12, Performance Standards, Applicability, the following is hereby added to the end of that section:

Application for a Special-Exception for Commercial and/or Industrial uses.

E. Page 13, Performance Standard 4, Environmental Impacts; the following is hereby added to the end of that section:

C. In all instances, the policy statements of the Conservation and Coastal Zone Element shall be reviewed for consistency and implemented where applicable.

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F. Page 13, Transfer of Development Rights, the 2nd paragraph is amended to reads:

The South County Agricultural lands are in areas of warm, rich soils particularly suited to growing vegetables although at high cost production. Yields are extremely high, particularly when favorable climatic factors are natural productivity of the soil is coupled with sophisticated growth techniques. Because of the value to the economic base of the County, it is an area in which it is desirable to preserve the agricultural land even though there is an increasing pressure to turn it to residential uses.

G. Page 13, Transfer of Development Rights, the 4th paragraph is hereby amended to reads:

Development rights may be transferred from areas designated as Reserve or as Conservation, including the Loxahatchee Slough but excluding Reference Area 24. Those in Conservation have severe limitations upon development potential and should be zoned for even less than Rural Residential densities as Agricultural Preservation. Nonetheless, in order to provide compensation, any privately owned land designated as Conservation may transfer one dwelling unit per five acres (1du/5ac) to a parcel of land within the USA as part of a PUD. Uses in the J. W. Corbett Area, Loxahatchee Slough, West Palm Beach Catchment Area buffer, and Conservation Areas 1 and 2, specifically designated as "Conservation" on the land use plan map, shall be oriented toward recreation and/or preservation and management of natural resources. Agriculture operations in these areas are not permitted.

H. Ordinance No. 81-27 is hereby amended as follows:

- 1) Page 4, Item J, delete lines 15 - 36.
- 2) Page 5, Item J, delete line 1.

SECTION III. AMENDMENT TO CHANGES IN THE COMPREHENSIVE PLAN
SECTION OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN

The Palm Beach County Comprehensive Plan, adopted as Palm Beach County Ordinance No. 80-6, as amended by Ordinance No. 81-27, Page 14. CHANGES IN THE COMPREHENSIVE PLAN section, is amended by adding the following paragraph:

Any private application for amendments to the Comprehensive Plan may be proposed by the owner of the specific parcel of property, or 51% of the property owners if the application includes more than one parcel. Private applications shall be presented on the official forms provided by the Planning, Zoning, and Building Department and shall be accompanied by the appropriate filing fee as set by the Board of County Commissioners.

SECTION IV. AMENDMENT TO INTERGOVERNMENTAL COORDINATION ELEMENT OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN

The Palm Beach County Comprehensive Plan, adopted as Palm Beach County Ordinance No. 80-6, as amended by Ordinance No. 81-27, Page 73, Intergovernmental Coordination Element, Implementation Section, is hereby amended by adding the following at the end of that section:

In cases where a waiver for zoning change is requested by a municipality in conjunction with the requirements of Chapter 171, Florida Statutes, the following policies shall be used by the Board of County Commissioners in evaluating the request.

1. Prior to receiving a waiver, the municipality shall have annexed the property in question and shall have amended its Comprehensive Plan to include the property for which the waiver is requested.
2. The Board of County Commissioners may find the proposed waiver compatible with the plan if:
 - a) The uses and/or densities in the municipal plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems, or
 - b) Where performance standards adopted as part of the County's Comprehensive Plan or other adopted ordinances, are fully met in terms of their impact on County systems, or
 - c) Where the municipality agrees that performance standards equal to those adopted as part of the County's Comprehensive Plan, or other adopted ordinances, will be fully met simultaneously with development of the annexed area in terms of their impact on County systems.

3. The Board also shall determine that the proposed uses and densities are compatible with existing development patterns in unincorporated areas in the immediate vicinity of the annexed area.

SECTION V. AMENDMENT TO SECTION I OF PALM BEACH COUNTY ORDINANCE NO. 81-27 TO CORRECT TYPOGRAPHICAL ERROR.

Section I of Palm Beach County Ordinance No. 81-27, amending the Palm Beach County Comprehensive Plan adopted as Palm Beach County Ordinance No. 80-6, which memorialized the action of the Palm Beach County Commission on July 21, 1981, in amending the Comprehensive Plan contained a typographical error which is hereby corrected to read:

H. Page 12, Area 26, Special Policy No. 1 is hereby created to read:

"The Northeast Northwest quarter of Section 8, and the North 1/2 of Section 9, both in Township 44 South, Range 37 East, shall be changed to the Very Low Density Residential category."

SECTION VI. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

SECTION VII. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgment by the Department of State, State of Florida.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on the 21st day of December, 1982.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS


Chairman

Acknowledged by the Department of State of the State of Florida, on this, the 30th day of December, 1982.

EFFECTIVE DATE: Acknowledgment from the Department of State received on the 4th day of January, 1983, at 3:27 P.M., and filed in the office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
John G. Roberts
County Attorney

COUNTY OF PALM BEACH, STATE OF FLORIDA

CLERK OF CIRCUIT COURT

I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court of the State of Florida and Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance designated and cited as An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ord. No. 80-8, as amended by Ord. No. 81-27, to incorporate the changes from the Second Annual Review of the Palm Beach County Comprehensive Plan, providing for..... approved and adopted by the Board of County Commissioners in regular session December 21, 1982, as shown by the records of this office.

Given under my hand and the Seal of the
Board of County Commissioners of Palm
Beach County, Florida, at the County
Courthouse, West Palm Beach, Florida,
this the 4th day of January A.D. 1983.

JOHN B. DUNKLE, Clerk of
Circuit Court and Clerk of the
Board of County Commissioners.

By John B. Dunkle
Deputy Clerk



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INTER-OFFICE COMMUNICATIONS

PLANNING DIVISION

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Charles Schoech, County Attorney
Herbert Kahler, County Engineer
David Bludworth, State Attorney
Robert L. Bogen, Asst. Attorney General
Captain Cook, Sheriff's Dept.
Frank Schulz, Sheriff's Office
Robert Basehart, Planning, Building & Zoning
Bob Palchanis, Building Division, Director
Assistant County Attorney - John Corbett
Ms. Peggy Springer - 4th District Court of Appeals
Don Lockhart - Zoning Dept.

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 82-26

An Ordinance designated and cited as An Ordinance of the Board of County Commissioners of Palm Beach County, FL, amending Ord. No. 80-8, as amended by Ord. No. 81-27, to incorporate the changes from the Second Annual Review of the Palm Beach County Comprehensive Plan, providing for.....

In accordance with the request of the Board of County Commissioners enclosed is a copy of subject Ordinance.

Signed Mr. John Bogen

Signed

JWD:lc

Enclosure

cc: Commissioner Evatt
Commissioner Spillias
Commissioner Koehler
Commissioner Wilken
Commissioner Bailey
John B. Dunkle, Clerk
Minutes Department

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